



CUMBERLAND COUNTY PLANNING COMMISSION
Regular Meeting
Cumberland County Community Center, Rm. C-8

Meeting Agenda for:
Monday, March 18, 2013, 6:30 P.M.

Action Needed

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 1. Call to Order and Welcome of Guests: Dr. Bill Burger, Planning Commission Chairman..... | Bring to Order |
| 2. Roll Call and Establish Quorum | Quorum |
| 3. Approval of Agenda | Motion |
| 4. <u>Public Hearing:</u> CUP 11-05 Bodatious Motorsports Special Recreational Events
Applicant Old Dominion 4-Wheel Drive Club proposes to operate weekend-long off-road racing events and associated activities up to three times a year on tax map parcel 12-A-3 and 12-A-4, 415 Boston Hill Road, Cartersville. This use is considered a special recreational event which is a conditional use within A-2 zoning. | |
| a. Staff overview | |
| b. Applicant presentation | |
| c. Public hearing | |
| d. Commission discussion and vote..... | Motion |
| 5. General Citizen Comment | Comment |
| 6. Old Business | Discussion |
| a. March BoS meeting update/county projects update | |
| 7. New Business | Discussion |
| a. Stormwater management program development | |
| b. Cobb's Creek Reservoir Buffer Management Plan | |
| c. Comp Plan update scheduling | |
| 8. General Commissioner Comments | Comment |
| 9. Adjourn to regular meeting on April 15, 2013 or as soon after as may be heard..... | Motion |

SPEAKER RULES OF PROCEDURE

Please respect all speakers and allow all opinions to be expressed in a tolerant atmosphere.

- a) Speakers may speak only once during a specific comment time and all comments should be directed to Planning Commission.
- b) Speakers should approach the podium so they may be visible and audible to the Commission.
- c) Each speaker should clearly state his/her name and address.
- d) **Each speaker is limited to three (3) minutes** unless otherwise specified by the Chairman.
- e) All questions should be directed to the Chairman. Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
- f) Speakers should be brief and avoid repetition of previously presented comments.



STAFF REPORT
CUP 11-05
Conditional Use Permit
Cumberland County, Virginia
Planning Commission Public Hearing
March 18, 2013

General Information:

Processing schedule: A public hearing with the Planning Commission for CUP 11-05 is scheduled for **Monday, March 18, 2013 at 6:30 p.m. in room C8 of the Cumberland County Community Center**. If the Planning Commission takes action on the application, the Board of Supervisors will conduct a public hearing on Tuesday, April 9, 2013 at 7:00 p.m. in the circuit courtroom of the Cumberland County Courthouse. The applicant or authorized representative is required to attend both of the meetings.

Application Information:

Applicant:	Old Dominion 4-Wheel Drive Club c/o Mike Morris
Owner(s):	M. L. Duncan, Jr. & Bobby Lee Duncan
Agent:	Mr. Phillip Parker, Jr., Parker Consulting, LLC
Requested action:	Conditional Use Permit to allow Special Recreational Event – Bodacious Motorsports Events
Location:	TAX PARCEL 12-A-3 & 4: located at 415 Boston Hill Road, Cartersville, VA 23027 approximately 2 miles north of the intersection of Boston Hill Road (Route 605) and Columbia Road (Route 690).
Voting District	1
Zoning:	A-2
Comprehensive Planning Area:	Rural Area
Size:	135 acres
Existing uses on the site:	Motorsports racing course, club house, various outbuildings, cleared area for camping and spectators. Remainder is forested.

Attachments:

- A) Application – includes preliminary site plan
- B) Proposed resolution (A & B)

Surrounding Area Information:

	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Comprehensive Plan Planning Area</u>
North	Forest/agricultural	A-2	Rural Area
South	Forest	A-2	Rural Area
East	Agricultural/forest	A-2	Rural Area
West	Forest	A-2	Rural Area

Summary of Request and Background Information:

The applicant proposes to hold weekend long off-road racing events on the property three times a year. In the past, similar events had been permitted through individual festival permits. The use is now considered a Special Recreational Event which is a conditional use within A-2 zoning.

The 4-Wheel Drive Club has been hosting events of this nature on the property since the late 1970s. As in the past, the proposed events would take place from Friday to Sunday evenings with attendees having the option to camp overnight Friday and Saturday nights. Racing would take place during Saturday and Sunday and the event also would include a Saturday night concert from 8:00PM to 12:00AM. Other event activities include fundraising by the local voluntary fire and EMS department through food and non-alcoholic beverage sales. Events would average in attendance from 500 to 750 people per event with an average of 500 people camping.

The proposed location is zoned A-2, Agricultural and is not within a growth area as defined by the Comprehensive Plan. Access to the site is from an access drive off of Boston Hill Road (Route 605). A site plan has been included in the application.

Consistency with the Comprehensive Plan:

The policy of Section IV, Section F, Objective 2 of the Comprehensive Plan is to “Encourage the development of the tourism industry potential of Cumberland County.” This event draws hundreds of people into the county and if managed properly could be an economic boost to the county.

Section IV, Section H, Objective 4: “Develop and maintain appropriate parks, recreation and open space facilities to efficiently and effectively serve the needs of the citizens of

Cumberland County.” This event provides recreational opportunities for citizens interested in off road racing.

Section IV, Section H, Objective 3: “Develop and maintain appropriate emergency services facilities to efficiently and effectively serve the needs of the citizens and industries of Cumberland County including those services relating to police protection, fire protection and emergency medical services.” This event can be an important fundraiser for emergency services providers which allows them to fund necessary equipment and training needed to serve the citizens of Cumberland.

Consistency with the Zoning Ordinance:

As stated in the Sec. 74-701 of the Zoning Ordinance:

“The development and execution of this chapter is based upon the division of the county into districts, within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform.

It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of the particular location.”

CUP Review Guidelines

Section 74-702 of the Zoning Ordinance describes the guidelines the Planning Commission and Board of Supervisors should consider when acting upon all conditional use permits. Staff has provided a response after each guideline.

(1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

If all of the proposed conditions are adhered to, staff does not believe the proposed use will be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

(2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

If all of the proposed conditions are adhered to, staff does not believe the proposed use will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

(3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

If all of the proposed conditions are adhered to, staff does not believe the proposed use will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district

(4) That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood;

No new structures are proposed. Existing structures are screened by existing woodland and are setback into the interior of the property.

(5) That adequate utilities, access roads, drainage or necessary facilities have been or are being provided;

No utilities are proposed. Portable toilets will be provided as required by health code and potable water made available. Existing ingress and egress to the property off Boston Hill Road is adequate for this event and local sheriff deputies will be onsite for traffic control assistance if needed. Temporary signage is used to direct attendees to the property.

(6) That ingress and egress to property and structures on the property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access of fire or catastrophe are adequately provided for;

Existing ingress and egress to the property will continue to provide safe access for automotive and pedestrian traffic and off street parking is available. Fire and EMS will be on site during all racing events and security will be provided by trained club personnel and local sheriff's department.

(7) That off-street parking and loading areas where required with particular attention to the items in subsection (a)(1) of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district are adequately provided for;

Off street parking will be available in designated areas as directed by club personnel. Overnight parking for event attendees will only be permitted Friday and Saturday nights.

(8) That refuse and service areas, with particular reference to the items in subsections (a)(1) and (2) of this section are adequately provided for;

Proposed conditions would require that the owner remove all trash from the event by the following Wednesday and dispose of at approved locations. Refuse facilities will be available throughout the property during the event which club personnel will monitor during the event.

(9) That appropriate screening and buffering with reference to type, dimensions and character of the use are adequately provided for;

Existing screening will be used and race areas are set back from public right of way and neighboring properties.

(10) That any signs and exterior lighting are compatible and in harmony with properties in the district with reference to aesthetics, glare, traffic safety and economic effect;

Temporary signage will be used for traffic control, directional signage, and posting of event rules. Temporary lighting consisting of fully-shielded fixtures that direct light towards the ground and not upwards will be used on the property only during the events for safety purposes.

(11) That required yards and other open spaces are adequately provided for;

Required yards and other open spaces are adequately provided for.

(12) That the proposed use is compatible with adjacent properties and other property in the district;

If all proposed conditions are adhered to, staff feels the proposed use would be compatible with adjacent properties and other property in the district.

(13) That an adequate supply of light and air to adjacent property is adequately provided for; and

The proposed use provides for an adequate supply of light and air to adjacent property.

(14) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the board of supervisors.

The proposed use conforms to all regulations of the district.

Note: The applicant also addresses the general conditional use permit standards in the application.

Public Notification:

All required public notices have been made for legal advertisements and adjacent property owner notifications. Legal notices ran in the Farmville Herald on March 1 and March 8, 2013 and adjacent property owner notices were mailed on March 1, 2013. Notice of the meeting was included on the Planning Department's Facebook page and notice was posted in the Planning Department as well as the County Administration bulletin board.

Public Input:

As of this writing staff has not heard any public comments regarding the proposed Special Recreational Events.

Staff Recommendation:

This event has taken place for over 30 years in the county and was previously permitted through individual festival permits. Limited conditions were placed on past events that were not able to sufficiently address concerns associated with events of this magnitude.

Staff feels that, with the proposed conditions, this event has the potential to be run in a safe and healthy manner without negatively impacting the neighboring properties or the county as a whole. If conditions are not adhered to, the board would have the authority to revoke the permit. Therefore, staff recommends approval of CUP 11-05 with the following conditions (and also reflected in the attached resolution A):

1. **Terms and definitions:** For the purpose of this Conditional Use Permit, the following terms shall have the following meaning and no other:
 - a. *"Property Owner"* shall mean the person, persons or group that owns the following Cumberland County Tax Map parcels: 12-A-3 & 12-A-4.
 - b. *"Property"* shall mean the property identified as the following Cumberland County tax Map Parcels: 12-A-3 & 12-A-4 and as shown on permit site plan.
 - c. *"Main Events"* shall mean an event that occurs over a Friday, Saturday and Sunday period that lasts no more than 60 consecutive hours.
 - d. *"Motor Sports Complex"* shall mean an outdoor sports complex containing race track(s) suitably constructed to provide for public viewing of motor vehicle racing.
 - e. *"Restricted Areas"* shall mean areas where spectators shall not be permitted.
 - f. *"Club"* shall mean the Virginia 4 Wheel Drive Conversion Club or their successor.

- g. “*Club staff*” shall mean the members of the Club who facilitate and manage Main Events. Such individuals shall clearly identifiable by special shirts, uniforms, armbands or other methods.
2. **Events permitted:** No more than three (3) Main Events shall be allowed in any calendar year and may only be held during the months of April through September. Additional events may be permitted by amendment to the Conditional Use Permit.
3. **Noise and quiet hours:** Motor sports events and club sponsored activities shall only take place between the hours of 9:00 A.M and 12:00 A.M. Quiet hours shall be enforced by club staff from 12:00 A.M. to 9:00 A.M. Any noise during quiet hours resulting from any event or club sponsored activity on the Property shall not exceed a noise level of 70 decibels for any continuous 60 second period. If Cumberland County receives any complaints from adjacent property owners regarding noise levels during quiet hours or upon its own investigation discovers upon inspection that the noise levels exceed what is allowed during quiet hours, the Owner shall be given a warning for the first offense and shall not have another noncompliant event throughout the year. If the Owner violates the noise standards within the warning period, then the County reserves the right to: A) restrict events until the Property is brought back into compliance with the noise standards, B) fine the Owner \$500.00 and/or C) require noise reducing measures to be installed immediately at the cost of the Owner. For any offense after the first offense, the Owner shall A) pay a fine of \$1,000.00, B) have operation hours restricted until the Owner can bring the Property into compliance with the noise standards and C) must install any necessary noise reducing measures to come into compliance with the noise standards.
4. **Alcohol consumption:** All alcohol consumption on the Property shall follow the rules and regulations of the Virginia Alcohol and Beverage Control Board and the Code of Virginia. Any individual consuming alcohol that is under the age of 21 shall be promptly expelled from the Property. Drivers and crew members are not permitted to consume alcoholic beverages while racing. Alcoholic beverages shall not be allowed in Restricted Areas.
5. **Method and manner of entry:** (contingent on condition 4) All attendees must enter the Property by using the entrance on Boston Hill Road. No other entry point shall be permitted. Every individual requesting entry into the Property shall provide a valid ID showing their date of birth. Both hands of individuals under the age of 21 shall be clearly marked with black permanent marker to indicate they cannot consume alcohol. Staff shall re-mark the hands of individuals if the ink fades over the course of the event.
6. **Prohibited items and activities:** The following shall be prohibited:
- a. Fireworks
 - b. Firearms, knives or other weapons

c. Illegal drugs and contraband

7. **Camping and overnight parking:** Camping shall only be permitted in designated areas as permitted by the Virginia Department of Health. Camping and overnight parking of vehicles shall only be permitted on Friday and Saturday nights.
8. **Security:** One trained security officer, certified by the local sheriff, per every 100 people is required throughout the main event. One Emergency Medical Technician or off-duty fire and rescue personnel is required during all motorsports activities. If only one medical staff member is present and they become unavailable, then all motorsport activities must be discontinued until they can return to standing by for that event.
9. **Parking:** All spectators shall park in designated parking areas.
10. **Event signage:** Proper signage for parking and for entering and exiting the site, along with traffic control measures are required. At least two 24"x36" brown or green signs with white text that are professionally made shall be displayed at the entrance and near the race track stating the rules and regulations.
11. **Spectator safety:** All motor sports areas shall be protected by guardrails and spectator areas shall be setback a minimum of one hundred feet from the mud bog pit. All spectators must remain within the designated area during the event. Staff, emergency personnel, and event competitors are the only exception to this condition.
12. **Participant safety:** All trucks, cars and other motor vehicles used in race events and other competitions shall have the proper safety equipment and devices and shall comply with club rules. No child under the age of 12 shall be permitted to participate in any race event without parental consent. Children under 12 participating in race events shall be limited to race vehicles with no larger than a 90 cubic centimeter engine.
13. **Garbage disposal:** The Owner shall remove all trash created by the event from the property by 6:00 PM Wednesday evening following the event, weather permitting, and shall dispose of such garbage at approved locations.
14. **Water & sewage service:** Drinking water and toilet facilities shall be provided as required by the Virginia Department of Health.
15. **Outdoor light control:** Lighting shall not constitute a nuisance and shall not produce glare or otherwise spillover onto adjacent properties. All outdoor lighting shall be fully-shielded fixtures that direct light towards the ground and not upwards.

16. **Site planning:** A final schematic site plan shall be submitted and approved by the Zoning Administrator prior to initiating the use.
17. **Liability insurance:** The Owner or Applicant shall make every effort to obtain and keep a liability insurance policy in the amount of \$1,000,000 in as short a period as possible. A minimum policy of \$300,000 is required.
18. **Compliance with laws, rules and regulations:** All operations shall be conducted in compliance with all current applicable federal, state, and county laws, rules and regulations and the Owner shall perform all testing and monitoring required by applicable regulation.
19. **Accessory uses:** The location of any use that may be accessory or ancillary to the primary use of the Property shall be shown on the final schematic site plan. Such accessory uses may include small-scale sale of items to the general public. Any such use that is located outdoors shall be screened and meet all requirements set forth in the conditions contained herein.
20. **Additional uses and changes:** Any substantial changes, as determined by the Zoning Administrator, in the use of the Property by the Owner over what has been permitted by this Conditional Use Permit shall require an amendment to this Conditional Use Permit. Substantial changes can include, but are not limited to, changes or additions to the use of the property that would increase the amount of traffic, parking, outdoor lighting, noise, particulate emission, water usage or have other similar impacts.
21. **Right to inspect:** The Board of Supervisors, or their designated representative, has the right to inspect any activity or event governed by this permit for compliance with these conditions at any time.
22. **Permit Renewal:** The Applicant or Owner shall be required to renew this permit through the Zoning Administrator every four years. The Zoning Administrator may request Planning Commission or Board of Supervisors review of the permit renewal. If the Owner or Applicant fails to renew the permit every 4 years this Conditional Use Permit shall be considered invalid and all events allowed by this permit shall cease.
23. **Revocation of permit:** Violation of any of these terms and conditions shall, at the sole discretion of the Zoning Administrator, be grounds for revocation of this Conditional Use Permit by the Board of Supervisors. This Conditional Use Permit shall remain in effect for the period of time that the Owner owns the Property provided that all required conditions are adhered to; however, any amendment to this Conditional Use Permit or subsequent Conditional Use Permit regarding the same or similar recreational events on the Property shall take precedence when there shall be any conflicting conditions; at any time that the Owner shall no longer retain ownership of all the Property, this Conditional Use Permit shall be

considered invalid within one year and all events allowed by this permit shall cease.

Suggested Motions:

To recommend approval:

Mr. Chairman, because this request meets the intent and spirit of the and Zoning Ordinance, I move that the Planning Commission adopt the attached resolution (A) recommending the Board of Supervisors **grant** CUP 11-05, a conditional use permit request in accordance with Sec. 74-133 of the Cumberland County Zoning Ordinance to allow for “special recreational events.”

To recommend denial:

Mr. Chairman, because this request does not meet the intent and spirit of the and Zoning Ordinance, and does not comply with standard(s) _____ of section 74-702 of the Zoning Ordinance, I move that the Planning Commission adopt the attached resolution (B) recommending the Board of Supervisors **deny** CUP 11-05, a conditional use permit request in accordance with Sec. 74-133 of the Cumberland County Zoning Ordinance to allow for “special recreational events.”

Submitted by:

Rachel Falkenstein
Planning Director

Attachments: A - Application
B - Draft resolutions A & B



COMMONWEALTH OF VIRGINIA
COUNTY OF CUMBERLAND

Internal Use Only
CUP #11-05 STAFF BS & RF
RECEIVED 7/11/2011
COMPLETED Feb 2013
FEE/Ck. # 1983
RECEIPT # 558407

Application for Conditional Use Permit

Last revised 7/13/09

Form must be completed in ink, Pencil will not be accepted.

IMPORTANT NOTE: FOR CERTAIN LARGE-SCALE DEVELOPMENTS, STATE LAW NOW REQUIRES A TRAFFIC IMPACT ANALYSIS (T.I.A.) be completed and submitted with a rezoning application **before** the County can deem the application complete.

***Please see the attached T.I.A. info sheet and checklist to determine if such a study shall be required as part of the application. Please contact the zoning administrator for any questions.*

Project Name (how should we refer to this application?): BOATINGS

Proposal: MOTORSPORTS EVENT

Location: 415 BOSTON HILL ROAD

Tax Map Parcel(s): 012 A 3

Zoning: A-2 Comprehensive Plan Area: Rural/Agricultural

Election District: 1

of Acres to be Covered by Conditional Use Permit (if a portion of a parcel or parcels it must be delineated on a plat): 135 ACRES

Is this an amendment to an existing conditional use permit? If Yes, provide CUP # or approval date: _____

☐ YES ☒ NO

A Preliminary Site Plan is Required with Application for a CUP. Have you submitted a preliminary site plan?

☒ YES ☐ NO

Is this a proposal for a shopping center or telecommunication tower? If so, additional information is required additional conditions/use restrictions apply. Please see the Planning & Zoning Dept. for more info.

☐ YES ☒ NO

Contact Person (who should we call/write concerning this project?): PARKER CONSULTING, LLC

c/o F. PHILIP PARKER, JR., P.E.

Address: 12511 HIDDEN OAKS CT City: HENRICO State: VA Zip: 23233

Daytime Phone: (804) 308-0483 Fax #: (804) 308-2476 Email: PARKERLLC@COMCAST.NET

Owner of Record (who currently owns the property?): _____

Dwight, M.L. Jr & Bobby Lee

Address: 1936 CARTERSVILLE RD City: CARTERSVILLE State: VA Zip: _____

Daytime Phone: (804) 375-3050 Fax #: () Email: _____

Applicant (who is the contact person representing?): OLD DOMINION 4WD CLUB

c/o MIKE MORRIS

Address: 10600 PATTERSON AVE City: HERNANDO State: VA Zip: 23238

Daytime Phone: (804) 740-1852 Fax #: () Email: _____

Does the owner of this property own (or have any ownership interest) in any abutting property? If yes, please list those tax map parcel numbers. 12-A-Z, FAMILY MEMBERS RD 11-A-15

Section 74-702 of the Cumberland County Zoning Ordinance provides guidelines for conditional use permit applications.

Please address the following standards which will be reviewed by the staff in analysis of your request. If you need assistance filling out these items, staff is available.

Provide a written statement demonstrating that:

1. The establishment, maintenance or operation of the CUP will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
2. The CUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. The establishment of the CUP will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood;
5. Adequate utilities, access roads, drainage or necessary facilities have been or are being provided;

6. Ingress and egress to property and structures on the property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access of fire or catastrophe are adequately provided for;
7. Off-street parking and loading areas where required with particular attention to the items in # 1. above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district are adequately provided for;
8. Refuse and service areas, with particular reference to the items in #s 1. and 2. above are adequately provided for;
9. Appropriate screening and buffering with reference to type, dimensions and character of the use are adequately provided for;
10. Any signs and exterior lighting are compatible and in harmony with properties in the district with reference to aesthetics, glare, traffic safety and economic effect;
11. Required building setbacks and other open spaces are adequately provided for;
12. The proposed use is compatible with adjacent properties and other property in the zoning district;
13. An adequate supply of light and air to adjacent property is adequately provided for; and
14. The CUP shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may, in each instance, be modified by the Board of Supervisors.

Describe your request in detail and include all pertinent information such as the number of persons involved in the use, operating hours, and any unique features of the proposed use: _____

EVENT FOR WHICH CUP IS REQUESTED IS RUN BY OLD DOMINION 4WD CLUB,
CONSISTING OF 50+ MEMBERS. OPERATING HOURS ARE 8:00 A.M. - 12:00 A.M.
THE CUP IS IN LIEU OF MULTIPLE FESTIVAL PERMITS FOR A FOUR WHEEL
DRIVE/ OFF ROAD RACE

Describe briefly the improvements proposed. State whether new buildings or structures are to be constructed, existing buildings or structures are to be used or additions made to existing buildings or structures. Give dimensions of the buildings that are to be constructed and the dimensions of any existing buildings on the property (attach any necessary information). _____

EXISTING STRUCTURES INCLUDE SPECTATOR SEATING, ANNOUNCER/SPOTTING
TOWER AND FESTIVAL BUILDING.

Attachments Required – provide two (2) copies of each

1. *Recorded plat or boundary survey of the property requested for the permit.* If there is no recorded plat or boundary survey, please provide legal description of the property and the Deed Book and page number or Plat Book and page number. TAX PARCELS 12-A-3 & 4
DB 149 PG 550

Note: If you are requesting a permit for a portion of the property, it needs to be described or delineation on a copy of the plat or surveyed drawing.

2. *Ownership information* – If ownership of the property is in the name of any type of legal entity or organization including, but not limited to, the name of a corporation, partnership or association, or in the name of a trust, or in a fictitious name, a document acceptable to the County must be submitted certifying that the person signing below has the authority to do so.

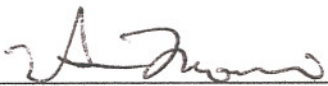
If the applicant is a contract purchaser or an agent of the owner, an owner/agent agreement must be attached (ask staff for form if needed).

Owner/ Applicant Must Read and Sign

I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner in filing this application. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge.

MIKE MORRIS, TREASURER OLD DOMINION FOUR
WHEEL DRIVE CLUB, INC.
Print Name of Owner/ Applicant

7/7/11
Date


Signature of Owner/ Applicant

804 240 3855
Daytime Phone # of Signatory

Traffic Impact Analysis Information Sheet:

How do I know if a T.I.A. is required to be submitted with my application?

If the proposed development will increase the number of vehicle trips during peak hours on roads maintained by VDOT by 250 trips for a commercial development or 100 trips for a residential development you likely will need to submit a T.I.A.

NO PEAK HOUR TRIP INCREASE PROPOSED. THIS IS A WEEKEND EVENT

How do I know if my proposal will increase the traffic to the amount that would require a TIA?

Below is a listing of some general guidelines as provided by VDOT's T.I.A. administrative guidelines:

For a **residential** development, a TIA may be required if the development proposes:

- 100 or more single family dwelling units;
- 150 or more apartment units; or
- 190 or more condo/townhomes

For a **commercial** development, a TIA may be required if the development proposes a(n):

- light industrial building of 260,000sf or more;
- hotel containing 300 rooms or more;
- elementary school of 600 students or more or a high school of 550 students or more;
- hospital of 110 beds or more;
- general office building 150,000 sq. ft. or larger;
- business park 170,000 sq. ft. or larger;
- shopping center 20,000 sq. ft. or larger;
- home improvement store 60,000 sq. ft. or larger;
- drive thru bank containing 5 bays or more;
- fast food restaurant with a drive thru window of 4,000 sq. ft. or larger; or
- gas station with convenience store containing 16 hoses or more.

What are the fees associated with VDOT's T.I.A?

This fee is collected directly by VDOT and is separate and in addition to the County's application fee. Both are required before an application is deemed complete.

- \$250.00 for a low-volume road;
- \$500.00 for less than 100 vehicles per peak hour; or
- \$1,000.00 for more than 100 vehicles per peak hour.

What is the background and purpose for the TIA requirements and where can I find additional information?

Chapter 527 of the 2006 Acts of Assembly added § 15.2-2222.1 to the Code of Virginia. The amendment establishes procedures by which localities submit proposals that will affect the state-controlled transportation network to VDOT for review and comment. The chapter also directs VDOT to develop regulations to carry out the provisions of the statute.

The regulation VDOT prepared is titled, Traffic Impact Analysis Regulations (24 VAC 30-155), sets forth procedures and requirements governing VDOT's review of and submission of comments regarding comprehensive plans and amendments to comprehensive plans, rezoning proposals, and subdivision plats, site plans and plans of development and the accompanying traffic impact analyses. The regulation also identifies when those documents must be submitted, and the documents and information that must be submitted to VDOT to facilitate the required review and submission of comments. The regulation also establishes the scope and nature of the review and a schedule of fees to be paid upon submission of a proposal to VDOT for review.

The regulation includes standards for when traffic impact analyses must be submitted to VDOT for different types of development proposals as well as what must be contained in the analyses (Information provided by VDOT). VDOT has prepared the following website on the Chapter 527 requirements:

Parker Consulting, LLC

12511 Hidden Oaks Court
Richmond, Virginia 23233
(804) 308-0483
(804) 308-2476 fax
parkerllc@comcast.net

February 27, 2013

Ms. Rachel Falkenstein
Interim Director of Planning
County of Cumberland, Virginia
P.O. Box 110
1 Courthouse Circle
Cumberland, Virginia 23040

Re: Conditional Use Permit Application
Bodacious Motorsports

Dear Ms. Falkenstein:

Pursuant to your request at the February Planning Commission work session the CUP Application responses below have been expounded upon from the original application.

As you are aware, this event has previously been covered by individual Festival Permits since its inception in the late 1970's. Your department has determined that for the benefit of both the event and the county it would be prudent for the property owner to obtain a Conditional Use Permit and eliminate the necessity of multiple Festival Permits in the future. The tax parcels involved with this application are 12-A-3 and 12-A-4, owned by M. L. Duncan, Jr. and Bobby Lee Duncan.

Question 1:

The Bodacious Motorsport event has been held at the existing location since the late 1970's. Not only is it a safe, controlled location for off-road racing but is also a fundraiser for the local volunteer fire and rescue departments. It remains non-detrimental to the public welfare, safety and morals and is overseen by volunteer club members in coordination with local sheriff's deputies and emergency services personnel. The events are only held on three weekends throughout the year, typically once in the spring, summer and fall.

Question 2:

The CUP will not be injurious as the activities proposed occur entirely within the property, away from public rights of way. Further, the most immediately adjacent property to the event is owned by M. L. Duncan, Jr. and Bobby Lee Duncan, owners of the subject property. Events are held on the weekends only, as described above.

Question 3:

Surrounding properties, should they be developed under their current zoning are not impacted by the CUP as the subject property is zoned the same as the adjoining properties.

Parker Consulting, LLC

12511 Hidden Oaks Court
Richmond, Virginia 23233
(804) 308-0483
(804) 308-2476 fax
parkerllc@comcast.net

Question 4:

No structures are proposed with the CUP application. Existing structures are well off the property bounds and screened by existing woodland and distant setbacks to rights of way and property bounds. The local area is rural farmland with service and outbuildings typical of active farmland.

Question 5:

No utilities or physical improvements requiring utilities or stormwater drainage are proposed. Portable toilets are utilized during each event and serviced as required by health code. Potable water is made available at multiple locations. Existing access to and from the property meets the needs of the temporary increase in traffic. Existing public roadways are adequate in capacity and design. If, during the initial opening and final closing of the event, traffic were to be heavy and queue on the public roadway near the entrance to the property, local sheriff deputies are on site and available for traffic control assistance to the club members running the event. Club members are stationed to monitor traffic flow and temporary signage is provided to direct participants and spectators to the property.

Question 6:

Existing ingress and egress to the property is adequate for emergency access before and during the event. Further, volunteer fire and rescue are on site during the event. Non-race vehicles are required to be parked away from the race course and remain parked while on site. Overnight camping areas are separate from both general parking and race parking areas and provided with necessary temporary utilities. Pedestrian traffic and spectator viewing areas are separated from the race course via permanent and temporary barricades. Fire and EMS are on site during all racing events. Security is coordinated with the Sheriff's department on a 24-hour basis. Further, the CUP will cover events that typically occur three times per year.

Question 7:

Off street parking is available in open areas as directed by club personnel in locations sufficiently close to preclude the need to drive during the event. Race vehicle loading is located adjacent to the race course, separate from general parking and overnight camping areas.

Question 8:

Multiple refuse areas are located throughout the spectator, parking, and overnight camping areas. Club personnel monitor use of the refuse facilities, emptying full cans as needed. Also, the property frontage along public rights of way and entrance access are monitored for trash throughout the course of the weekend.

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Question 9:

Buffering of the property is accomplished through locating the parking, camping and race areas away from public right of way and adjoining properties.

Question 10:

Signage is limited to traffic control and directional signage for the duration of the event. Lighting is for safety and temporary for the duration of the event as well. This CUP differs from a development CUP in that it was requested by Cumberland County Planning Staff to prevent the need of multiple festival permits year to year, as has been the historic process since the event inception in the late 1970's. This CUP application is not for the continued, daily, use of a property in a fashion inconsistent with the existing zoning. Economic effect of this event has proven to be a positive means of additional income for the local volunteer fire and rescue department.

Question 11:

Building setbacks for the existing structures, consisting of spectator seating and race control tower, meet current Planning and Zoning Ordinance. The site consists of open areas as well as woodlands with minimal physical improvements. Structural improvements account for less than 1.0% of the property. Buildings existent on the property are of the appurtenant structure type as opposed to occupied buildings.

Question 12:

The proposed use is compatible with normal uses of the zoning of the subject and adjacent properties, as evidenced by the festival permits approved over the last thirty-plus years. These permits have allowed for racing Saturday and Sunday of the event weekend, including a concert Saturday night from 8:00 p.m. to no later than 12:00 a.m. The event organizers continue to maintain a mandatory quiet time from 12:00 a.m. to 9:00 a.m. each night of the event. The CUP request is for three weekend events annually, typically one each in the spring, summer and fall.

Question 13:

The proposed use of the CUP does not have any effect on available light and minimal effect, limited to exhaust odor similar to farming operations, on air to adjacent properties. The requirement of the CUP is driven by the festival-type activity and not the use of the property.

Question 14:

The CUP conforms to current regulations of the zoning district.

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Description of Request:

The events for which this CUP is requested are run by the Old Dominion 4-Wheel Drive Club which consists of more than fifty members. The event focuses on off road racing and includes a concert on Saturday night from 8:00 p.m. to 12:00 a.m. Operating hours of the event are 8:00 a.m. to 12:00 a.m. daily. Mandatory quiet time from 12:00 a.m. to 9:00 a.m. is enforced by the Club each night of the event. Other activities include fundraising by the local voluntary Fire and EMS Department through food and non-alcoholic beverage sales. Security and management is run by the Club with the assistance of the Sheriff's department, fire and EMS departments. Attendance averages between 500 and 750 people with typically 500 camping on site for the weekend. This event has proven to be a primary fundraiser for the volunteer fire and EMS department throughout the thirty-plus years it has been held.

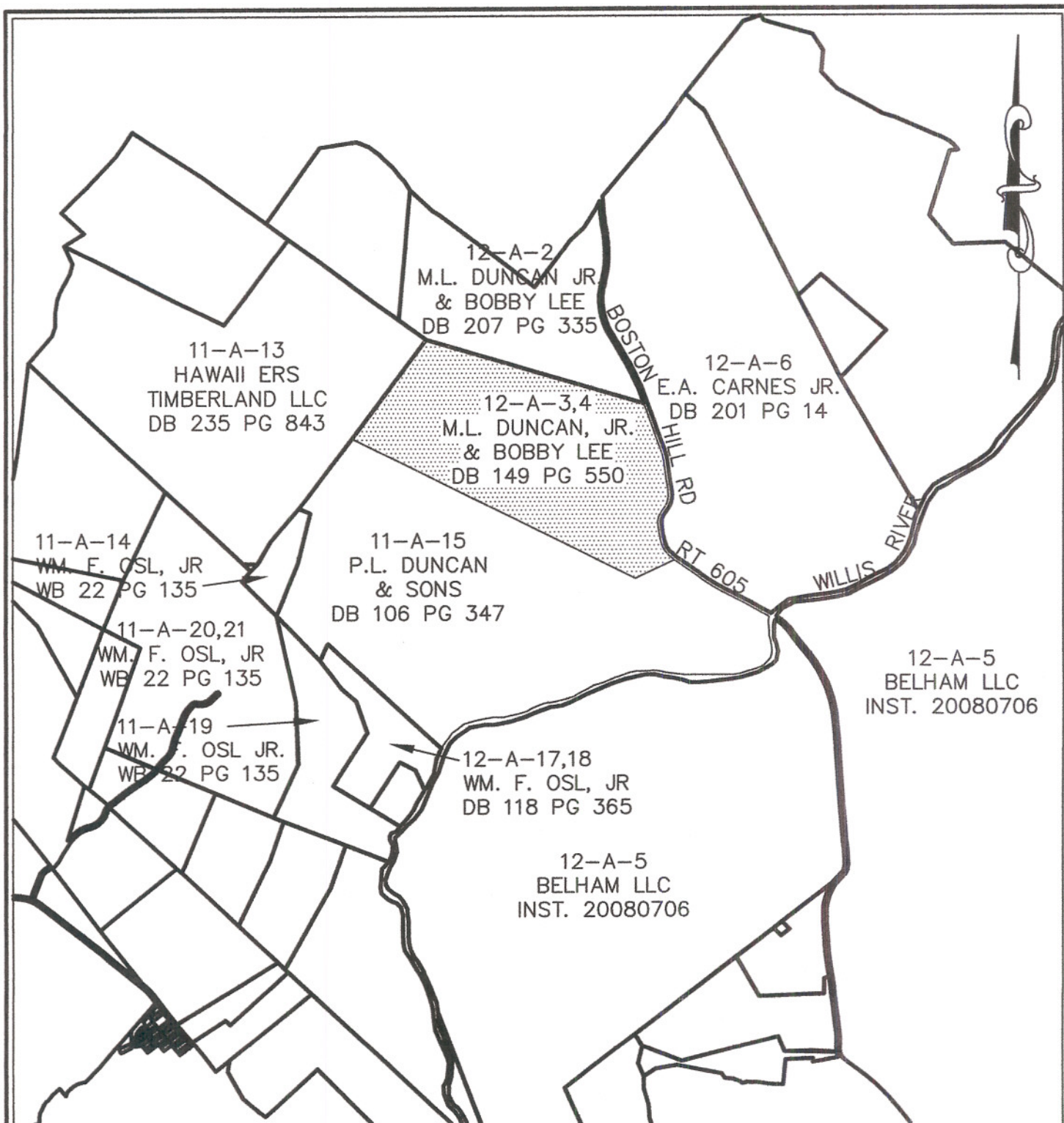
Thank you for your assistance regarding this application. Please contact me with any questions or comments you may have.

Sincerely,



F. Philip Parker, Jr., P.E.

cc: Mike Morris



PROPERTY LOCATION MAP

BODATIOUS MOTORSPORTS CONDITIONAL USE PERMIT

Parker Consulting, LLC

12511 Hidden Oaks Court

Richmond, Virginia 23233

(804) 308-0483 (804) 308-2476 fax
parkerllc@comcast.net

SCALE: 1" = 2000' DATE: 06/23/11

COMPUTED BY: FPP

DRAWN BY: FPP

21

CHECKED BY:

BODATIOUS



AERIAL VIEW

BODATIOUS MOTORSPORTS CONDITIONAL USE PERMIT

Parker Consulting, LLC
12511 Hidden Oaks Court
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SCALE: 1" = 1000'	DATE: 06/23/11
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CHECKED BY: _____	BODATIOUS

PLANNING COMMISSION
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
RECOMMENDATION
FOR CONDITIONAL USE PERMIT APPLICATION #11-05
FOR TAX MAP PARCELS 12-A-3 & 12-A-4

March 18, 2013

At a meeting of the Planning Commission of Cumberland County, Virginia, at the Cumberland County Community Center, Room C-8, Cumberland, Virginia 23040 commencing at 6:30 p.m., March 18, 2013, the following action was taken following a duly held public hearing during which time County staff provided a review of the rezoning request, the applicant's representative and agents provided a review of the proposal and members of the public offered comment:

On a motion made by Commissioner_____, and seconded by Commissioner_____, it was moved that the Planning Commission recommend that the Board of Supervisors of Cumberland County **grant**, in accordance with the following Resolution, the request for the conditional use permit described in said Resolution;

Following presentation of the Resolution, the Planning Commission adopted and approved the Resolution according to the votes stated below:

Present:

Vote:

William Burger, Chairman

Patricia Pedrick, Vice Chairman

Randy Bryant

J. Hubert Allen

Roland Gilliam

Irene Wyatt

Lary Atkins

Absent:

Dated: 3/18/2013

Attested: _____
Rachel Falkenstein, Clerk
Planning Commission of Cumberland County

WHEREAS, Old Dominion 4-Wheel Drive Club (the “Applicant”) filed a conditional use permit application and supporting materials (the “Conditional Use Permit Application”) seeking operate Special Recreational Events in accordance with Chapter 74 of the Cumberland County Code of Ordinances (the “Zoning Ordinance”); specifically, the Applicant has requested conditional use permit in order to allow for three annual weekend long off-road racing and associated activities on the Property; and

WHEREAS, the subject property is located on the west side of Boston Hill Road (Route 605) approximately two (2) miles north of the intersection of Boston Hill Road and Columbia Road (Route 609), with a physical address of 415 Boston Hill Road and more particularly described as Tax Map Parcel 12-A-3 and 12-A-4 (the “Property”), with respect to approximately 135.00 acres; and

WHEREAS, the Board of Supervisors duly referred the Conditional Use Permit Application to the County Planning Commission for its recommendation on August 9, 2011; and

WHEREAS, the Planning Commission directed staff to make the Conditional Use Permit Application available for public review on February 11, 2013; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on March 18, 2013; and

WHEREAS, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Conditional Use Permit Application; and

WHEREAS, in its review of the Conditional Use Permit Application, the Planning Commission gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County’s Comprehensive Plan, the suitability of the Property for various uses, the trends of growth or change, and the current and future requirements of the County as to land use; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at the public hearing and at this meeting, the Planning Commission desires to affirm its findings and make its recommendations to the Board of Supervisors with respect to the Conditional Use Permit Application;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, as follows:

- a. The foregoing recitals are hereby incorporated by this reference.

- b. Upon consideration of the foregoing and the conditions and standards set forth in the Zoning Ordinance, the Planning Commission considers it appropriate to **grant** the Conditional Use Permit.
- c. The Planning Commission further finds that the request made in the Conditional Use Permit Application is in substantial accordance with the County's Comprehensive Plan.
- d. The Planning Commission has also determined that the request made in the CUP Application furthers the general purpose and objectives of the Zoning Ordinance and such use would be beneficial and appropriate taking into consideration public health, safety, necessity, convenience, general welfare and good zoning practice; and

The Planning Commission recommends that the Board of Supervisors **grant** the CUP Application to the Applicant to allow special recreational events on the Property subject to the following terms and conditions:

1. **Terms and definitions:** For the purpose of this Conditional Use Permit, the following terms shall have the following meaning and no other:
 - a. "*Property Owner*" shall mean the person, persons or group that owns the following Cumberland County Tax Map parcels: 12-A-3 and 12-A-4
 - b. "*Property*" shall mean the property identified as the following Cumberland County tax Map Parcels 12-A-3 and 12-A-4 and shown on permit site plan.
 - c. "*Main Events*" shall mean an event that occurs over a Friday, Saturday and Sunday period that lasts no more than 60 consecutive hours.
 - d. "*Motor Sports Complex*" shall mean an outdoor sports complex containing race track(s) suitably constructed to provide for public viewing of motor vehicle racing.
 - e. "*Restricted Areas*" shall mean areas where spectators shall not be permitted.
 - f. "*Club*" shall mean the Virginia 4 Wheel Drive Conversion Club or their successor.
 - g. "*Club staff*" shall mean the members of the Club who facilitate and manage Main Events. Such individuals shall clearly identifiable by special shirts, uniforms, armbands or other methods.
2. **Events permitted:** No more than three (3) Main Events shall be allowed in any calendar year and may only be held during the months of April through September. Additional events may be permitted by amendment to the Conditional Use Permit.
3. **Noise and quiet hours:** Motor sports events and club sponsored activities shall only take place between the hours of 9:00 A.M and 12:00 A.M. Quiet hours shall be enforced by club staff from 12:00 A.M. to 9:00 A.M. Any noise during quiet hours resulting from any event or club sponsored activity on the Property shall not exceed a noise level of 70 decibels for any continuous 60 second period. If Cumberland County receives any complaints from adjacent property owners regarding noise levels during quiet hours or upon its own investigation discovers upon inspection that the noise levels exceed what is

allowed during quiet hours, the Owner shall be given a warning for the first offense and shall not have another noncompliant event throughout the year. If the Owner violates the noise standards within the warning period, then the County reserves the right to: A) restrict events until the Property is brought back into compliance with the noise standards, B) fine the Owner \$500.00 and/or C) require noise reducing measures to be installed immediately at the cost of the Owner. For any offense after the first offense, the Owner shall A) pay a fine of \$1,000.00, B) have operation hours restricted until the Owner can bring the Property into compliance with the noise standards and C) must install any necessary noise reducing measures to come into compliance with the noise standards.

4. **Alcohol consumption:** All alcohol consumption on the Property shall follow the rules and regulations of the Virginia Alcohol and Beverage Control Board and the Code of Virginia. Any individual consuming alcohol that is under the age of 21 shall be promptly expelled from the Property. Drivers and crew members are not permitted to consume alcoholic beverages while racing. Alcoholic beverages shall not be allowed in Restricted Areas.
5. **Method and manner of entry:** (contingent on condition 4) All attendees must enter the Property by using the entrance on Boston Hill Road. No other entry point shall be permitted. Every individual requesting entry into the Property shall provide a valid ID showing their date of birth. Both hands of individuals under the age of 21 shall be clearly marked with black permanent marker to indicate they cannot consume alcohol. Staff shall re-mark the hands of individuals if the ink fades over the course of the event.
6. **Prohibited items and activities:** The following shall be prohibited:
 - a. Fireworks
 - b. Firearms, knives or other weapons
 - c. Illegal drugs and contraband
7. **Camping and overnight parking:** Camping shall only be permitted in designated areas as permitted by the Virginia Department of Health. Camping and overnight parking of vehicles shall only be permitted on Friday and Saturday nights.
8. **Security:** One trained security officer, certified by the local sheriff, per every 100 people is required throughout the main event. One Emergency Medical Technician or off-duty fire and rescue personnel is required during all motorsports activities. If only one medical staff member is present and they become unavailable, then all motorsport activities must be discontinued until they can return to standing by for that event.
9. **Parking:** All spectators shall park in designated parking areas.
10. **Event signage:** Proper signage for parking and for entering and exiting the site, along with traffic control measures are required. At least two 24"x36" brown or green signs with white text that are professionally made shall be displayed at the entrance and near the race track stating the rules and regulations.

11. **Spectator safety:** All motor sports areas shall be protected by guardrails and spectator areas shall be setback a minimum of one hundred feet from the mud bog pit. All spectators must remain within the designated area during the event. Staff, emergency personnel, and event competitors are the only exception to this condition.
12. **Participant safety:** All trucks, cars and other motor vehicles used in race events and other competitions shall have the proper safety equipment and devices and shall comply with club rules. No child under the age of 12 shall be permitted to participate in any race event without parental consent. Children under 12 participating in race events shall be limited to race vehicles with no larger than a 90 cubic centimeter engine.
13. **Garbage disposal:** The Owner shall remove all trash created by the event from the property by 6:00 PM Wednesday evening following the event, weather permitting, and shall dispose of such garbage at approved locations.
14. **Water & sewage service:** Drinking water and toilet facilities shall be provided as required by the Virginia Department of Health.
15. **Outdoor light control:** Lighting shall not constitute a nuisance and shall not produce glare or otherwise spillover onto adjacent properties. All outdoor lighting shall be fully-shielded fixtures that direct light towards the ground and not upwards.
16. **Site planning:** A final schematic site plan shall be submitted and approved by the Zoning Administrator prior to initiating the use.
17. **Liability insurance:** The Owner or Applicant shall make every effort to obtain and keep a liability insurance policy in the amount of \$1,000,000 in as short a period as possible. A minimum policy of \$300,000 is required.
18. **Compliance with laws, rules and regulations:** All operations shall be conducted in compliance with all current applicable federal, state, and county laws, rules and regulations and the Owner shall perform all testing and monitoring required by applicable regulation.
19. **Accessory uses:** The location of any use that may be accessory or ancillary to the primary use of the Property shall be shown on the final schematic site plan. Such accessory uses may include small-scale sale of items to the general public. Any such use that is located outdoors shall be screened and meet all requirements set forth in the conditions contained herein.
20. **Additional uses and changes:** Any substantial changes, as determined by the Zoning Administrator, in the use of the Property by the Owner over what has been permitted by this Conditional Use Permit shall require an amendment to this Conditional Use Permit. Substantial changes can include, but are not limited to, changes or additions to the use of

the property that would increase the amount of traffic, parking, outdoor lighting, noise, particulate emission, water usage or have other similar impacts.

21. **Right to inspect:** The Board of Supervisors, or their designated representative, has the right to inspect any activity or event governed by this permit for compliance with these conditions at any time.
22. **Permit Renewal:** The Applicant or Owner shall be required to renew this permit through the Zoning Administrator every four years. The Zoning Administrator may request Planning Commission or Board of Supervisors review of the permit renewal. If the Owner or Applicant fails to renew the permit every 4 years this Conditional Use Permit shall be considered invalid and all events allowed by this permit shall cease.
23. **Revocation of permit:** Violation of any of these terms and conditions shall, at the sole discretion of the Zoning Administrator, be grounds for revocation of this Conditional Use Permit by the Board of Supervisors. This Conditional Use Permit shall remain in effect for the period of time that the Owner owns the Property provided that all required conditions are adhered to; however, any amendment to this Conditional Use Permit or subsequent Conditional Use Permit regarding the same or similar recreational events on the Property shall take precedence when there shall be any conflicting conditions; at any time that the Owner shall no longer retain ownership of all the Property, this Conditional Use Permit shall be considered invalid within one year and all events allowed by this permit shall cease.

- e. This Resolution is effective immediately.

PLANNING COMMISSION
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
DENIAL
FOR CONDITIONAL USE PERMIT APPLICATION #11-05
FOR TAX MAP PARCELS 12-A-3 & 12-A-4

March 18, 2013

At a meeting of the Planning Commission of Cumberland County, Virginia, at the Cumberland County Community Center, Room C-8, Cumberland, Virginia 23040 commencing at 6:30 p.m., March 18, 2013, the following action was taken following a duly held public hearing during which time County staff provided a review of the rezoning request, the applicant's representative and agents provided a review of the proposal and members of the public offered comment:

On a motion made by Commissioner_____, and seconded by Commissioner_____, it was moved that the Planning Commission recommend that the Board of Supervisors of Cumberland County **deny**, in accordance with the following Resolution, the request for the conditional use permit described in said Resolution;

Following presentation of the Resolution, the Planning Commission adopted and approved the Resolution according to the votes stated below:

Present:

Vote:

William Burger, Chairman

Patricia Pedrick, Vice Chairman

Randy Bryant

J. Hubert Allen

Roland Gilliam

Irene Wyatt

Lary Atkins

Absent:

Dated: 3/18/2013

Attested: _____
Rachel Falkenstein, Clerk
Planning Commission of Cumberland County

WHEREAS, Old Dominion 4-Wheel Drive Club (the “Applicant”) filed a conditional use permit application and supporting materials (the “Conditional Use Permit Application”) seeking operate Special Recreational Events in accordance with Chapter 74 of the Cumberland County Code of Ordinances (the “Zoning Ordinance”); specifically, the Applicant has requested conditional use permit in order to allow for three annual weekend long off-road racing and associated activities on the Property; and

WHEREAS, the subject property is located on the west side of Boston Hill Road (Route 605) approximately two (2) miles north of the intersection of Boston Hill Road and Columbia Road (Route 609), with a physical address of 415 Boston Hill Road and more particularly described as Tax Map Parcel 12-A-3 and 12-A-4 (the “Property”), with respect to approximately 135.00 acres; and

WHEREAS, the Board of Supervisors duly referred the Conditional Use Permit Application to the County Planning Commission for its recommendation on August 9, 2011; and

WHEREAS, the Planning Commission directed staff to make the Conditional Use Permit Application available for public review on February 11, 2013; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on March 18, 2013; and

WHEREAS, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Conditional Use Permit Application; and

WHEREAS, in its review of the Conditional Use Permit Application, the Planning Commission gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County’s Comprehensive Plan, the suitability of the Property for various uses, the trends of growth or change, and the current and future requirements of the County as to land use; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at the public hearing and at this meeting, the Planning Commission desires to affirm its findings and make its recommendations to the Board of Supervisors with respect to the Conditional Use Permit Application;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, as follows:

- a. The foregoing recitals are hereby incorporated by this reference.

- b. Upon consideration of the foregoing and the conditions and standards set forth in the Zoning Ordinance, the Planning Commission considers it appropriate to **deny** the Conditional Use Permit.
- c. The Planning Commission further finds that the request made in the Conditional Use Permit Application is not in substantial accordance with the County's Comprehensive Plan.
- d. The Planning Commission has also determined that the request made in the CUP Application does not further the general purpose and objectives of the Zoning Ordinance and such use would be not be beneficial or appropriate taking into consideration public health, safety, necessity, convenience, general welfare and good zoning practice; and

The Planning Commission recommends that the Board of Supervisors **deny** the CUP Application to the Applicant to allow special recreational events on the Property.

- e. This Resolution is effective immediately.

Current County Projects		
Project	Status Summary	Staff Contact
ABC Store	Developer and ABC are waiting on Verizon for cable internet connection so they can install security system. Opening date TBD.	Lee Leeds Rachel Falkenstein
Buggs Island Telephone	On permanent hold. May be opportunities for other internet providers	Vivian Giles/Rachel Falkenstein
Cobbs Creek Reservoir	Staff is nearly finished reviewing property acquisition plats. Staff has begun discussion with Henrico on Buffer Management Plan and Erosion and Sediment Control Plan. Henrico has begun making offers to property owners. One property acquisition is complete	Rachel Falkenstein
Comprehensive Plan Update	Planning Commission is working on review of draft phase IV which includes Comp Plan goals and objectives.	Rachel Falkenstein
CUP 11-05 Bodacious motorsports event	Planning Commission has public hearing scheduled for March 18, 2013. Pending PC recommendation, BOS will likely hold public hearing on April 9, 2013.	Rachel Falkenstein
CUP 12-04 River Range Shooting Range	On hold. Waiting on applicant to submit site plan and business plan. Once submitted, Planning Commission will have second review.	Rachel Falkenstein
Emergency Services Training	Kristen Wood has volunteered to do CERT Training for staff if we are interested. Staff will work with available citizens that are certified to teach CPR to staff. Department heads and staff who have not completed FEMA courses 100, 200, etc. will be required to do so by year end. WEB EOC course, held at State Police headquarters will also be required of some Board members and staff by year end.	Jennifer Roberts
Emergency Operations Plan (EOP) for Cumberland County	Staff has begun work on EOP for 2013. It will be presented to the BOS for approval upon its completion. Staff is working with Kristen Wood from Richmond Regional and VCU students on completion of the project. Staff is updating emergency services website that will provide tools to the public and businesses regarding emergency plans, supplies and information.	Jennifer Roberts
Integrated Public Alert Warning System (IPAWS)	New Public Alert System from FEMA is expected to roll out this year. Dispatchers will need to take the online course by year end.	Jennifer Roberts
Poor House Road Industrial Park	Ag Renewable Resources (ARR) is current tenant in lot 1 of the industrial park. Project partners are seeking financing for construction of poultry biodigester on lot 1 and estimate from 2-6 months before construction can commence. They must submit a final site plan and obtain proper permits prior to beginning construction. Engineers are moving forward with wetland permitting for Road A construction (funded through Tobacco Commission grant).	Vivian Giles Rachel Falkenstein
Public Waterline	Phase II of the waterline western extension is complete. Dewberry has submitted plans for placement of eastern extension waterline. Erosion and Sediment control plans have already been approved, awaiting approval from the Health Department and VDOT	Jennifer Roberts Gary Thompson
SERCAP Grant	D&A Construction was awarded the contract for the LMI western waterline connections along Route 60 and Fleming Rd. Staff has obtained all final easements along Fleming Road. Contractor has obtained building permits for construction and expects to begin work soon.	Jennifer Roberts Gary Thompson
Stormwater Management Program Development	DCR is requiring localities to develop local stormwater management programs by July 1, 2014. Cumberland is working with 6 other counties in the region to explore opportunities for regional cooperation.	Rachel Falkenstein
Tier II 2012 Reports	VDOT Lynchburg District has submitted the Emergency and Hazardous Chemical Inventory (2012 Tier II) report forms & the LEPC submittal letter in compliance with Section 312 of the Superfund Amendments and Reauthorization Act of 1986 (SARA). Forms have been submitted to local emergency service providers.	Jennifer Roberts